UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

In Re TERRORIST ATTACKS on SEPTEMBER 11, 2001) 03 MDL 1570 (RCC)
KATHLEEN ASHTON et al., Plaintiffs,))))
V.) 02 CV 6977 (RCC))
AL QAEDA ISLAMIC ARMY et al., Defendants.)))

NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE that, pursuant to the Court's February 6 and 23, 2004 Orders, and upon the accompanying Memorandum of Law in Support of Motion to Dismiss of Defendant The National Commercial Bank ("NCB"), upon the Affidavit of Mitchell R. Berger dated March 19, 2004, upon all exhibits annexed thereto, and upon the Fourth Amended Consolidated Master Complaint ("Complaint") filed in this action, NCB shall seek an order dismissing with prejudice all claims against NCB for lack of subject matter jurisdiction (FRCP 12(b)(1)), lack of personal jurisdiction (FRCP 12(b)(2)), and failure to state a claim upon which relief may be granted (FRCP 12(b)(6)).

Dated: March 19, 2004 Respectfully submitted, Washington, D.C.

/s/ Ronald S. Liebman

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